

Notice of Allowability

Application No.

10/643,658

Examiner

Thanh K. Truong

Applicant(s)

PANTELLERIA ET AL.

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment after final filed July 10, 2006.
2. ☒ The allowed claim(s) is/are 1-12.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. William B. Kircher on July 14, 2006.

The application has been amended as follows:

Claim 1, line 10, the following phrase --on the outside of the containment region of food sauce-- has been inserted after the phrase "applying a layer of hot melt adhesive to the terminal perimeter edge of the plug".

Claim 7:

line 11, the phrase --hot melt-- has been inserted after the phrase "applying a layer of"; and

line 11, the following phrase --on the outside of the containment region of food sauce-- has been inserted after the phrase "to the terminal perimeter edge of the plug".

Claim 10, line 8, the following phrase --on the outside of the containment region of food sauce-- has been inserted after the phrase "applying a layer of hot melt adhesive to the circumferential edge of the plug".

Claim 12, line 9, the following phrase --and such that the layer of hot melt adhesive is on the outside of the containment region of food sauce-- has been inserted after the phrase "surface of the cartridge body,".

REASONS FOR ALLOWANCE

2. The following is an examiner's statement of reasons for allowance:

A method of bonding a plug to an interior surface of a cartridge body formed of a continuous loop side wall comprising, among other steps, the step of applying a layer of hot melt adhesive to the terminal perimeter edge of the plug on the outside of the containment region of food sauce as recited in claim 1; and the step of applying a layer of hot melt adhesive to the circumferential edge of the plug on the outside of the containment region of food sauce as recited in claims 7, 10 and 12.

Reference of MacEwen (4,432,473) discloses the sealing of the plug (28) to the containment region by heat fusing the thermoplastic film laminate (56) and the lip portion of the plug to form a sealing ring (57). However, this sealing ring (57) is not formed by applying a layer of hot melt adhesive as recited in claims 1, 7, 10 and 12.

Reference of MacEwen (4,432,473) also discloses a hot melt adhesive (66) between the dispensing head (26) and the tubular side wall, however, this layer of hot melt adhesive is applied on the edge of the dispensing head and on the inside of the tubular and therefore, the layer of hot melt adhesive (66) is not applied to the terminal perimeter edge of the plug on the outside of the containment region of food sauce as recited in claims 1, 7, 10 and 12.

Reference of Sherbondy (2,106,577) discloses the step of applying a sealing (14) of shellac between the out side edge of the plug (12) and the inside wall of the tubular, but the sealing band (14) is not a layer of hot melt adhesive as recited in claims 1, 7, 10 and 12.

The combination as set forth in the claims are not disclosed, taught, or suggested in the prior art of record.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh K. Truong whose telephone number is 571-272-4472. The examiner can normally be reached on Mon-Thru 8:00AM - 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

tkf
July 14, 2006


LOUIS K. HUYNH
PRIMARY EXAMINER